



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2740

DATE SCANNED 2/23/15

SCANNER NO. 2

SCAN OPERATOR EE5



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 APR 18 AM 11:53

April 16, 2013

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *N*odi Winship/Sari Pickerall *SP*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2013 February Monthly Report for the
Administrative Fine Program

Attached is the name of a political committee and its treasurer who failed to file the 2013 February Monthly Report in accordance with 2 U.S.C. 434(a). The February Monthly Report was due on February 20, 2013.

The committee listed in the attached RTB Circulation Report filed the report more than five (5) days but no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, this committee should be assessed the civil money penalty highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committee and its treasurer listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letter.

Federal Election Commission
Reason to Believe Circulation Report
2013 FEBRUARY MONTHLY Not Election Sensitive 02/20/2013 P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2740	C00040857	OAKLAND COUNTY DEMOCRATIC PARTY		RYAN J. GESUND	\$210,112	1	3/21/2013	29	\$205,074	\$7,718

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
RTB Recommendation – 2013 February) AF 2740
Monthly Report for the Administrative)
Fine Program: Oakland County)
Democratic Party and Ryan J. Gesund, as)
treasurer)

AMENDED CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 19, 2013 the Commission decided by a vote of 5-0 to take the following actions in AF 2740:

1. Find reason to believe that Oakland County Democratic Party and Ryan J. Gesund, as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be in the amount of \$7,718.
2. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 23, 2013
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 19, 2013

Ryan J. Gesund, in official capacity as Treasurer
Oakland County Democratic Party
24445 Northwestern Hwy., Suite 110
Southfield, MI 48075

C00040857
AF#: 2740

Dear Mr. Gesund:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a February Monthly Report of Receipts and Disbursements covering the period January 1, 2013 through January 31, 2013. This report shall be filed no later than February 20, 2013. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on March 21, 2013, twenty-nine (29) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 19, 2013, the FEC found that there is reason to believe ("RTB") that Oakland County Democratic Party and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before February 20, 2013. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$7,718. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$7,718 is due within forty (40) days of the finding, or by May 29, 2013, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$205,074
Number of Days Late: 29
Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

Commission's RTB finding, or May 29, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Oakland County Democratic Party and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$7,718 for the 2013 February Monthly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 29, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Oakland County Democratic Party

FEC ID#: C00040857

AF#: 2740

PAYMENT DUE DATE: May 29, 2013

PAYMENT AMOUNT DUE: \$7,718



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 JUL -8 PM 3: 02

SENSITIVE

July 8, 2013

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *APC*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin DeCarmine/Sari Pickerall *dp*
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2013 February Monthly Report

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the 2013 February Monthly Report. The committee has not paid the civil money penalty requested at RTB and has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have not paid the civil money penalty.

RAD Recommendation

- (1) Make final determination that the political committee and its treasurer listed on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

Federal Election Commission
FD Circulation Report Fine Not Paid
2013 FEBRUARY MONTHLY Not Election Sensitive 02/20/2013 P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2740	OAKLAND COUNTY DEMOCRATIC PARTY		C00040857	RYAN J GESUND	03/21/2013	29	\$205,074	1	04/19/2013	\$7,718	80	\$7,718

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final) AF 2740
Determination Recommendation for the)
2013 February Monthly Report: Oakland)
County Democratic Party and Ryan J.)
Gesund, Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 09, 2013, the Commission decided by a vote of 5-0 to take the following actions in AF 2740:

1. Make a final determination that Oakland County Democratic Party and Ryan J. Gesund, Treasurer violated 2 U.S.C. § 434(a) and assess the final civil money penalty in the amount of \$7,718.
2. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

July 10, 2013
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 2013

Ryan J. Gesund, in official capacity as Treasurer
Oakland County Democratic Party
24445 Northwestern Hwy., Suite 110
Southfield, MI 48075

C00040857
AF#: 2740

Dear Mr. Gesund:

On April 19, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Oakland County Democratic Party and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for filing late or failing to file the 2013 February Monthly Report. By letter dated April 19, 2013, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$7,718 in accordance with the schedule of penalties at 11 CFR § 111.43. Within 40 days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on July 9, 2013 that Oakland County Democratic Party and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$7,718 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$205,074
Number of Days Late: 29
Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents'

right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within 30 days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

5. Settlement Offers

If you make a payment in an amount less than the civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a

restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink that reads "Ellen L. Weintraub" with a stylized flourish at the end.

Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$7,718 for the 2013 February Monthly Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

Payments by Personal Check

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Oakland County Democratic Party

FEC ID#: C00040857

AF#: 2740

PAYMENT AMOUNT DUE: \$7,718

**St. Louis GA Lockbox
(314) 425-1818**

OAKLAND COUNTY DEMOCRATIC PARTY

PAY TO THE ORDER OF FEDERAL ELECTION COMMISSION

\$ 300.00

THREE HUNDRED AND NO/100 DOLLARS

MEMO: CAN 40157

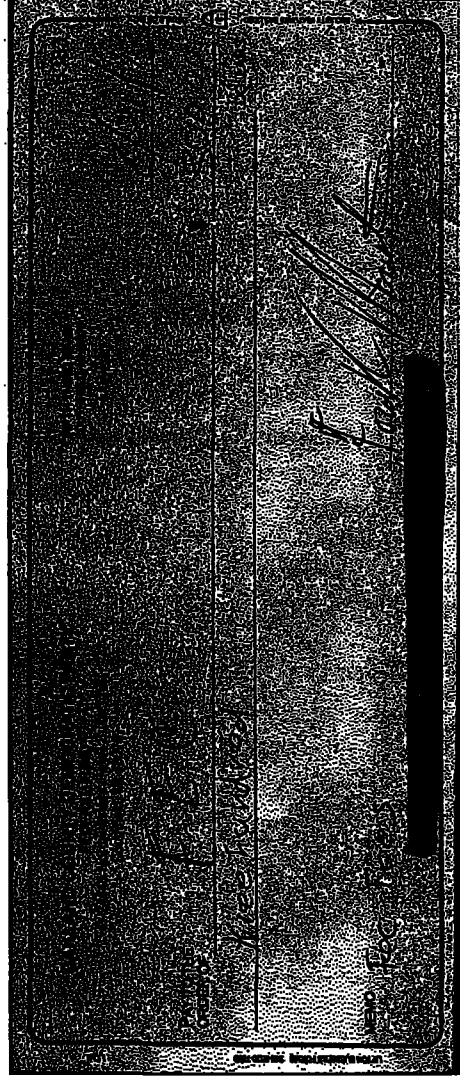
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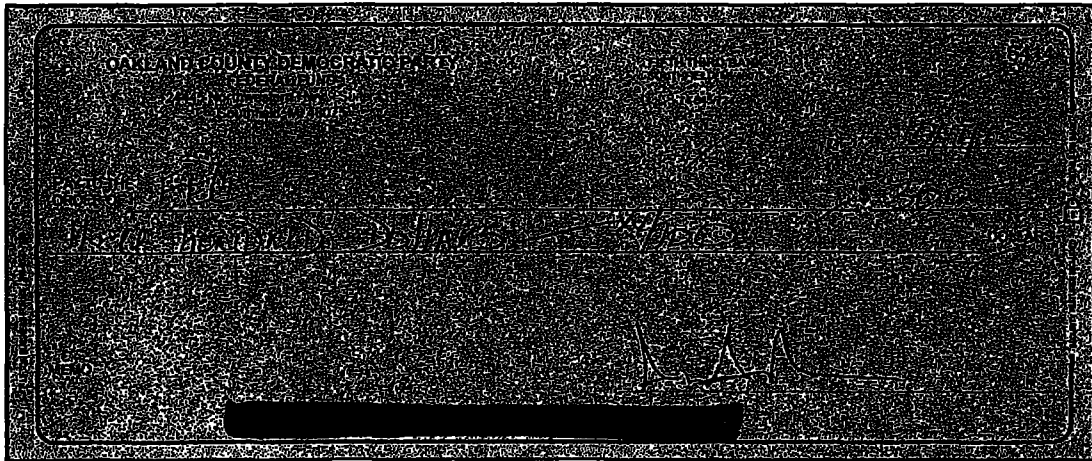
usbank.
St Louis GA Lockbox
(314) 425-1818

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 08/16/2013



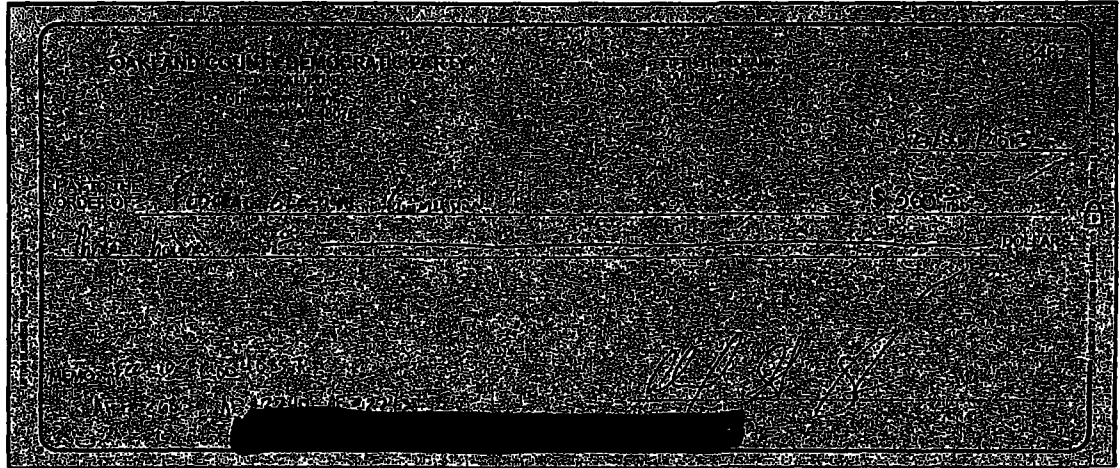
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usbank.St. Louis GA Lockbox
(314) 425-1818

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Lockbox: GLX-979058 Ledger Date 12/16/2

**St. Louis GA Lockbox
(314) 425-1818**

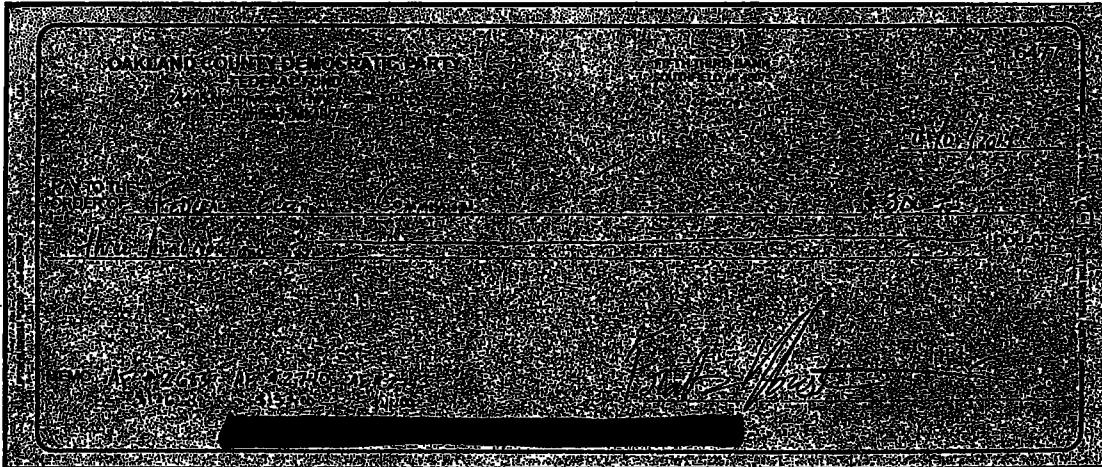


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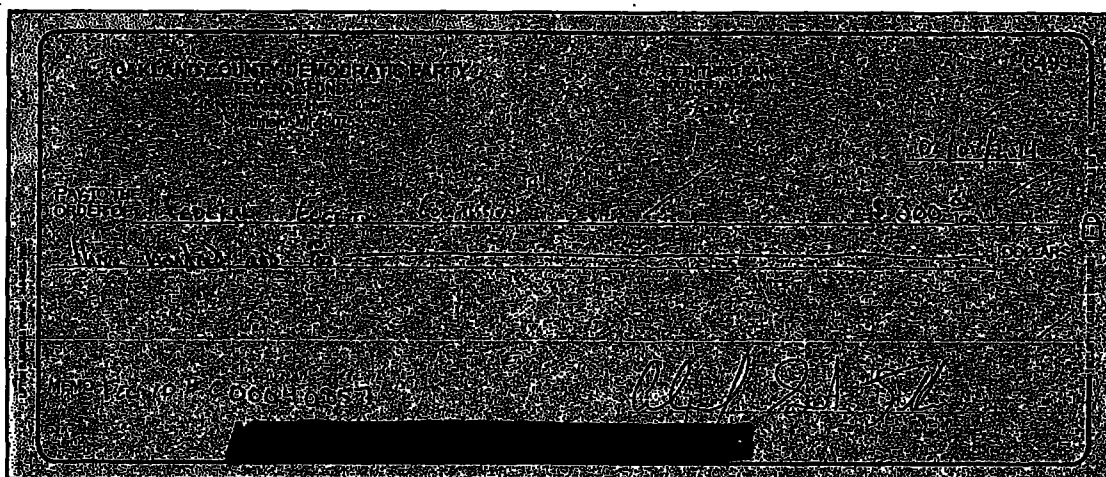
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**St. Louis GA Lockbox
(314) 425-1818**



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THEORY

usbank.St. Louis GA Lockbox
(314) 425-1818

Batch	Item	TID	Batch Total	Amount
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OCDP
24445 NORTHWESTERN Hwy
Suite 110
Southfield, MI 48075

METROFLEX MI 480

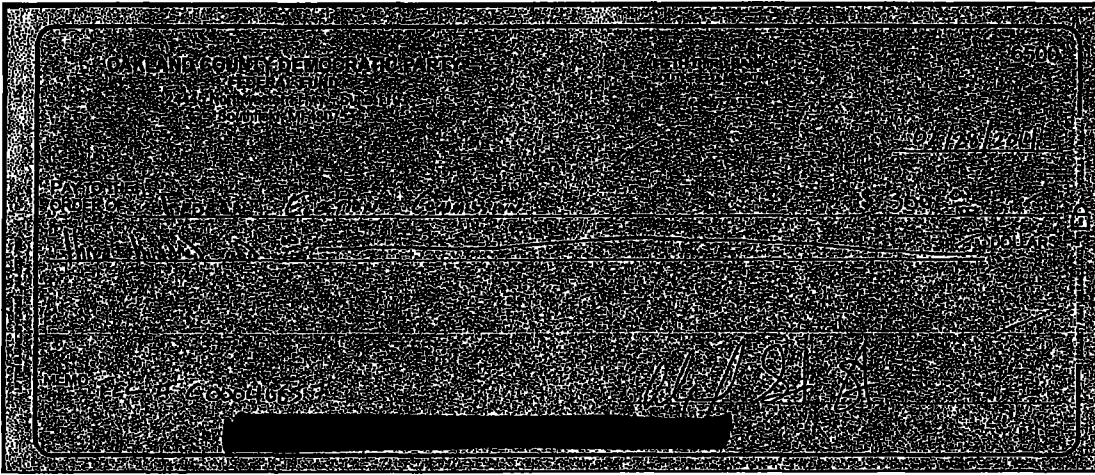
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FEDERAL ELECTION COMMISSION
ADMINISTRATIVE FINES DIVISION
PO Box 979058

St. Louis, MO 63197-9058

63197900058



usbankSt. Louis GA Lockbox
(314) 425-1818

Batch	Item	TID	Batch Total	Amount
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060P

24445 Northwest Hwy

Suite 110

Southfield, MI 48075

METROPLEX MI 480

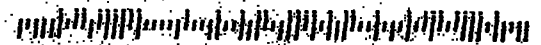
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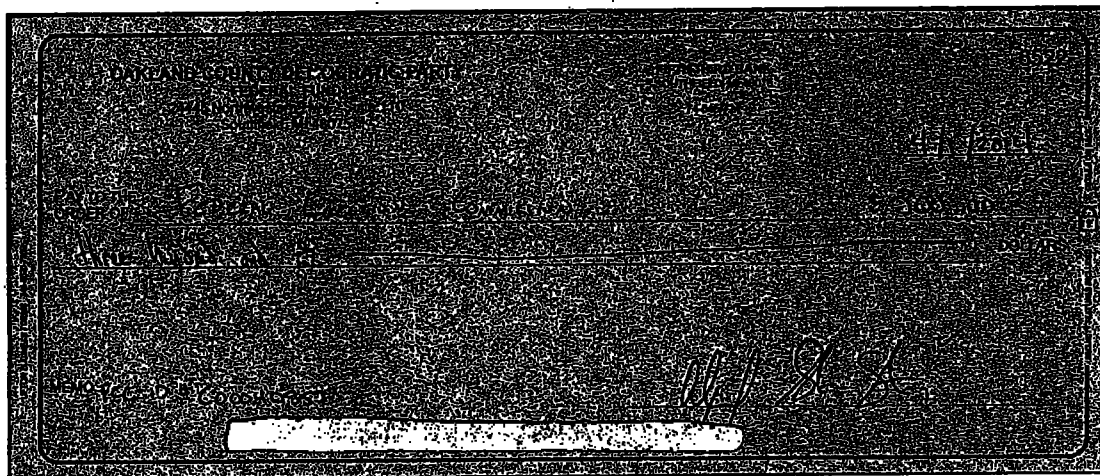
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE FINES DIVISION

PO Box 979058

ST. LOUIS, MO 63197-9000

63197900058



usbank.St. Louis GA Lockbox
(314) 425-1818

Batch	Item	TID	Batch Total	Amount
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OCDP

24445 NORTHWESTERN HWY

SUITE 110

SOUTHFIELD, MI 48075

METROPLEX MI 480

15 APR 2014 PM 2:1

FEDERAL ELECTION COMMISSION

ADMINISTRATIVE FINES DIVISION

P.O. Box 979058

ST. LOUIS, MO 63147-9000

63197900058



usbank

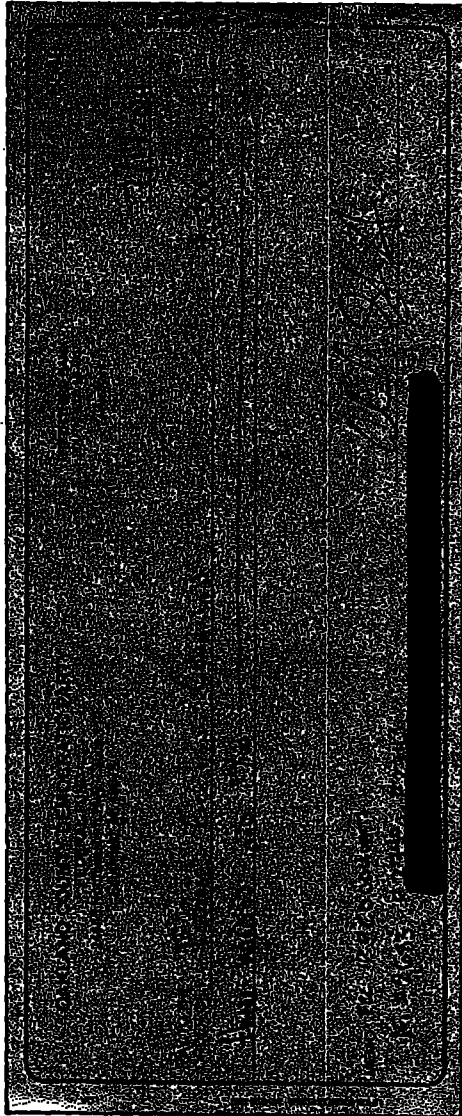
St. Louis GA Lockbox
(314) 425-1818



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usbank
St. Louis GA Lockbox
(314) 425-1818

FEDERAL ELECTION COMMISSION Lockbox: GLX-979058 Ledger Date 07/07/2014

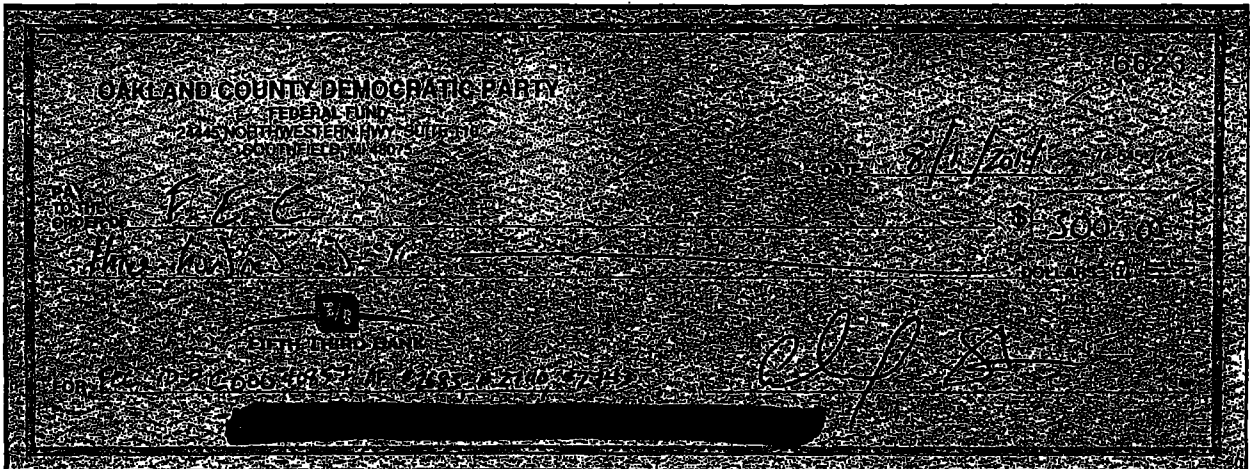


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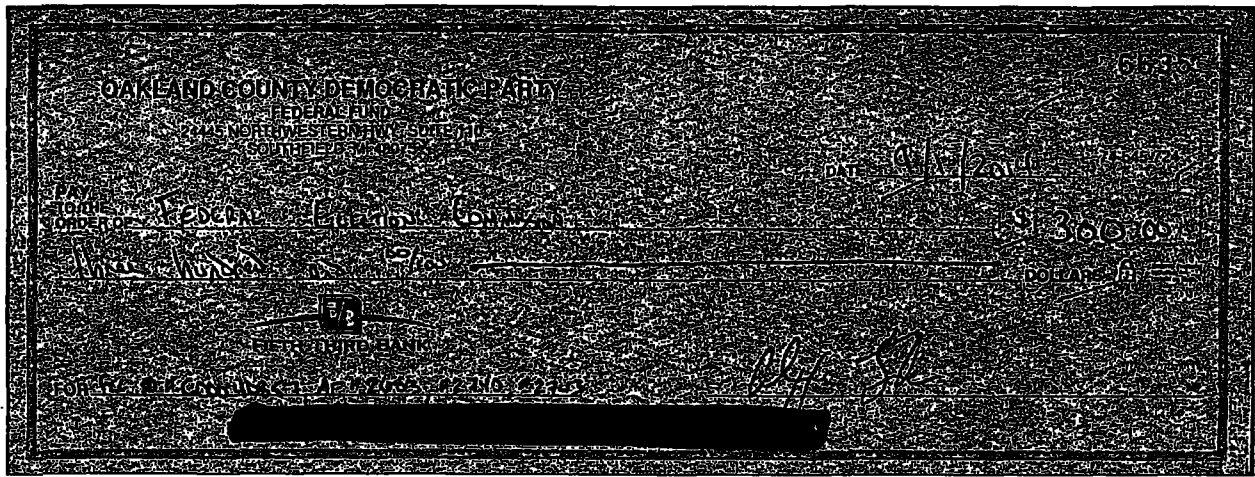
Lockbox: GLX-979058 Ledger Date 08/15/2014



**St. Louis GA Lockbox
(314) 425-1818**



Batch	Item	TID	Batch Total	Amount
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usbank.St. Louis GA Lockbox
(314) 425-1818

Batch	Item	TID	Batch Total	Amount
1	3	Y-4532486	\$940.00	\$300.00

0400
24445 NORTHWESTERN HWY, STE 110
SOUTHFIELD, MI 48075

METROPLEX MI 480

03 SEP 2014 PM 7 L



FEDERAL ELECTION COMMISSION

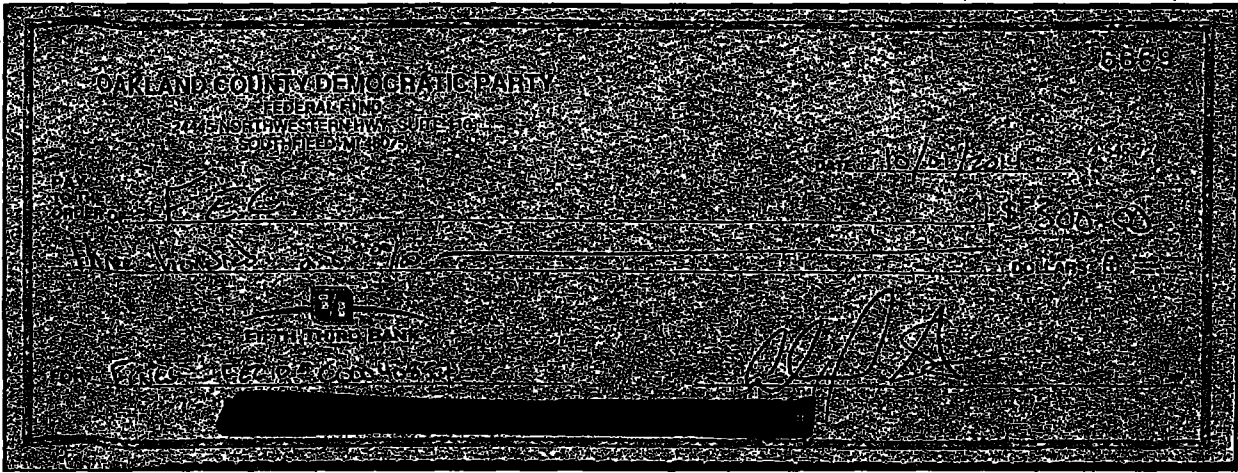
ADMINISTRATIVE FINES DIVISION

P.O. Box 474058

ST. LOUIS, MO 63197-9000

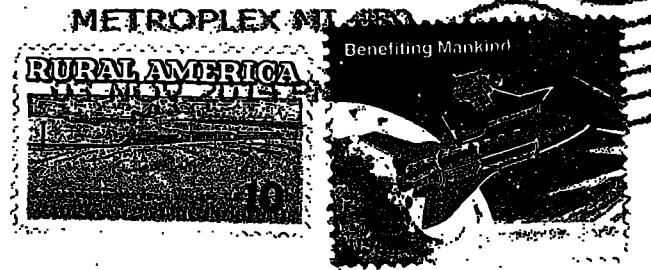
63197900058



usbankSt. Louis GA Lockbox
(314) 425-1818

Batch	Item	TID	Batch Total	Amount
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6609
240815 NORTHWESTERN HWY
SUITE 710
SOUTHFIELD, MI 48075



FEL

ADMINISTRATIVE FINES DIVISION

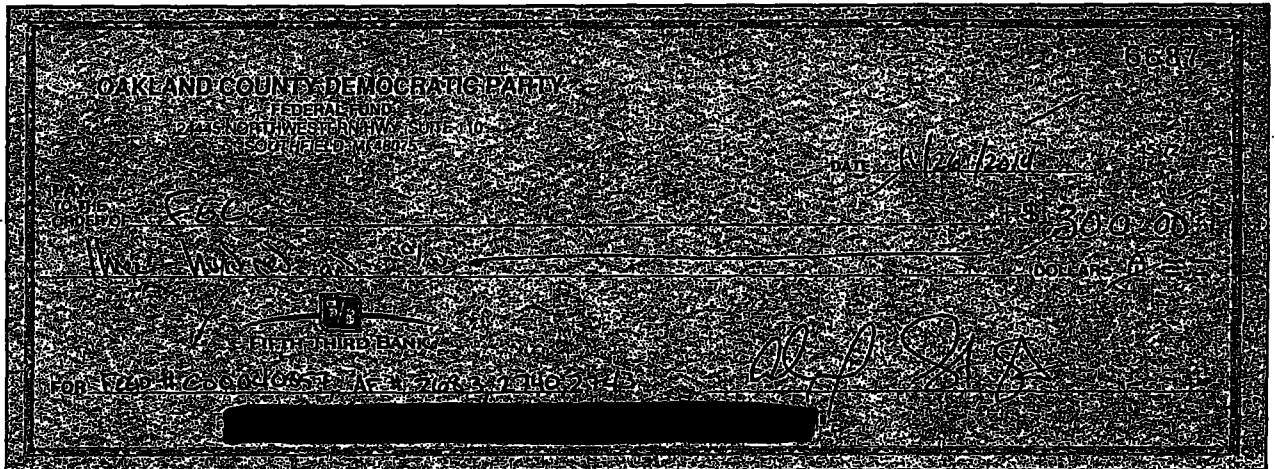
P.O. Box 979058

ST. LOUIS, MO 63197-9000

63197900058



usbank.
St. Louis GA Lockbox
(314) 425-1818

usbank.St. Louis GA Lockbox
(314) 425-1818

Batch	Item	TID	Batch Total	Amount
1	1	Y-3074255	\$300.00	\$300.00



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2740

DATE SCANNED 2/23/15

SCANNER NO. 2

SCAN OPERATOR EEJ